

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>CRIMINAL ACTION</b>
<b>v.</b>	)	
	)	<b>No. 07-20145-01-KHV</b>
<b>PABLO RENE BUCIO,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER**

This matter is before the Court on defendant's *pro se* Motion To Be Moved To The Constitutional Side Of The Court & Request For Dismissal Of Certain Charges (Doc. #103) filed March 12, 2009. Defendant apparently argues that this Court lacks jurisdiction because it is a district court of a territory, not a true Article III court. The Tenth Circuit recently rejected a similar argument. See United States v. Woods, 263 Fed. Appx. 704, 706 (10th Cir. 2008) (district court in Colorado properly concluded that it had subject matter jurisdiction over criminal prosecution under 18 U.S.C. § 3231 and "no doubt that Article III permits Congress to assign federal criminal prosecutions to federal courts"); see also United States v. Chisum, 502 F.3d 1237, 1243 (10th Cir. 2007) (rejecting argument that federal district court in Oklahoma is "incapable of acting by Article III judicial powers within the State of Oklahoma's sovereign territory and without the federal zone"). For this reason and because defendant filed the motion *pro se* while he is represented by counsel,<sup>1</sup> the Court overrules defendant's motion.

---

<sup>1</sup> See United States v. Sandoval-DeLao, 283 Fed. Appx. 621, 625 (10th Cir. 2008) (no error in refusal to consider *pro se* motion when defendant represented by counsel); United States v. Castellon, 218 Fed. Appx. 775, 780 (10th Cir. 2007) (if criminal defendant represented by counsel, court does not accept *pro se* filings or allegations); United States v. McKinley, 58 F.3d 1475, 1480 (continued...)

**IT IS THEREFORE ORDERED** that defendant's *pro se* Motion To Be Moved To The Constitutional Side Of The Court & Request For Dismissal Of Certain Charges (Doc. #103) filed March 12, 2009 be and hereby is **OVERRULED**.

Dated this 7th day of April, 2009 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge

---

<sup>1</sup>(...continued)  
(10th Cir. 1995) (no constitutional right to “hybrid form of representation”).